

# United States Department of Agriculture

## FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16201-16225

[Approved by the Acting Secretary of Agriculture, Washington, D. C., September 17, 1929]

**16201. Misbranding of flour. U. S. v. The Continental Milling Co. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 22541. I. S. Nos. 13326-x, 16482-x.)**

On April 13, 1928, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Continental Milling Co., a corporation, Ellicott City, Md., alleging shipment by said company, in violation of the food and drugs act as amended, on or about June 21, 1927, from the State of Maryland into the State of Massachusetts of a quantity of flour, and on or about June 24, 1927, from the State of Maryland into the State of Pennsylvania of a quantity of middlings, which said articles were misbranded. The middlings were labeled in part: (Sack) "100 Lbs. Continental Choice Middlings \* \* \* The Continental Milling Co., Ellicott City, Md." The flour was labeled in part: (Sack) "5 Lbs. Net."

It was alleged in the information that the articles were misbranded in that the statements, to wit, "5 Lbs. Net," with respect to the flour, and "100 lbs.," with respect to the middlings, borne on the labels of the respective articles, were false and misleading in that the said statements represented that the sacks contained 5 pounds of flour, or 100 pounds of middlings, as the case might be, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said sacks contained 5 pounds of flour, or 100 pounds of middlings, as the case might be, whereas the said sacks contained less than so represented. Misbranding was alleged for the further reason that the articles were foods in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 11, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**16202. Misbranding of breeding tonic and calf cholera remedy. U. S. v. 9 Cans of Breeding Tonic, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 23281, 23282. I. S. Nos. 0116, 0117. S. Nos. 1401, 1402.)**

On December 28, 1928, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 9 cans of breeding tonic and 10 cans of calf cholera remedy, remaining in the original unbroken packages at Sacramento, Calif., alleging that the articles had been shipped by the Dr. David Roberts Veterinary Co., from Waukesha, Wis., on or about October 16, 1928, and November 13, 1928, respectively, and transported from the State of Wisconsin into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the breeding tonic consisted essentially of magnesium sulphate, sodium chloride, sulphur, cornstarch, sugar, a small amount of phenol, and crude drugs, including: damiana, burdock, cantharides, nux vomica, capsicum, and anise; and that: